

HURLEY BURISH, S.C.  
ATTORNEYS

33 EAST MAIN STREET, SUITE 400  
Mailing Address:  
POST OFFICE BOX 1528  
MADISON, WI 53701-1528

Jonas B. Bednarek  
Marcus J. Berghahn  
Mark D. Burish  
Peyton B. Engel  
Andrew W. Erlandson  
Patrick J. Fiedler  
Stephen P. Hurley\*  
\* Also Licensed In Illinois  
\*\*Also Licensed In Colorado

John C. Mitby\*\*  
Patrick M. O'Connor  
David E. Saperstein  
Daniel J. Schlichting  
Sarah E. Schuchardt  
Catherine E. White

Tel. (608) 257-0945  
Fax. (608) 257-5764  
[www.hurleyburish.com](http://www.hurleyburish.com)  
Author's e-mail:  
[shurley@hurleyburish.com](mailto:shurley@hurleyburish.com)

February 17, 2022

Honorable William M. Conley  
U.S. District Court  
Western District of Wisconsin  
120 North Henry Street  
Madison, WI 53703

Re: *National Wildlife Refuge Association, et al. v. Rural Utilities Service, et al.*  
Western District Case Number 3:21-cv-00096-wmc

Dear Judge Conley:

Subsequent to briefing ordered by the Court the Intervenor-Defendants filed a letter with the Court on February 15. I request the letter be stricken from the record.

First, the letter asserts facts that are unsupported by the record. The Intervenor-Defendants had an opportunity, during the briefing requested by this Court, to raise these issues but they chose not to do so. The Court ought not, now that briefing is closed, consider such unsupported allegations.

Second, the letter serves as additional briefing that was neither requested by the court nor the subject of a request for leave to file.

Third, the letter suggests that if this Court issues an injunction the Intervenor-Defendants do not consider appropriate, they will not obey it in its entirety. Presumably, the threat of contumely has been made in an effort to induce the Court to narrow the appropriate breadth of injunctive relief. Such a threat

HURLEY BURISH, S.C.

---

Honorable William M. Conley  
February 17, 2022  
Page 2

ought be met by the Court, but not in the way the Intervenor-Defendants suggest.  
Minimally their letter ought be stricken.

Cordially,

HURLEY BURISH, S.C.

*Electronically signed by Stephen P. Hurley*

Stephen P. Hurley

SPH:mns

F:\-clients\ELPC\Correspondence\Judge Conley 220217.docx